

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10911 of 2004

Between:

Asfar Begum, W/o. Late Saber Hussain,
19-2-156/A6, Tadbun, Opp. Omer Farooqui Masjid, Hyderabad, presently Plot
No. 244, Sy.No. 26 abd 29,
Allapur (V), Balanagar 9M), Ranga Reddy District.

..... PETITIONER

AND

- 1 The Commissioner, Kukatpalli Municipality,
Kukatpally, Rangareddy District.
- 2 V.M. Gopu, S/o. Narsimhan,
8-2-408, Road No. 6 Banjara Hills, Hyderabad.
- 3 Mohd. Afzal, S/o. Mohd Haneef,
10-1-1190/2, A.C. Guards, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent notice Lr.No. A1/1464/2003, dt. 21-6-2004 calling the Writ Petitioner and the Respondent Nos.2 and 3 in the Appeal is without Jurisdiction, power to decide the ownership rights, records of this petitioner and is arbitrary, illegal, of any null and void as per law and pass

For the Petitioner:MR.PRAKASH CHAKRAVARTHY-ADVOCATE

For the Respondent No 1.: MR.R.TIMMA REDDY

The Court at the stage of admission made the Following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 10911 OF 2004

ORDER:

The present writ petition is filed questioning the action of the first respondent vide proceedings dated 21-6-2004 calling upon the petitioner to attend before the Municipal Council on 29-6-2004 with relevant records so as to dispose of the appeal.

The petitioner claims that he has purchased the plot No. 244 in Survey No. 26 and 29, Allapur village, Balanagar mandal from the second respondent for a valid sale consideration and took over the possession of the same. It is alleged that the second respondent having sold the subject property has filed a writ petition in W.P. 8349 of 2003 with false averments and the said Writ Petition was disposed of at the admission stage permitting the petitioners therein (respondents 2 and 3 herein) to file an appeal in the appropriate Court of law. Pursuant to the said direction, the respondents 2 and 3 seems to have filed an appeal before the first respondent and in turn the impugned notice was issued to the petitioner. It is also stated that a contempt case in C.C.No.74 of 2004 was filed before this Court, however, the petitioner has not chosen to file the copies of the orders passed in the Writ petition or in the Contempt Case.

Heard learned counsel for petitioner and Mr.R.Thimma Reddy for first respondent.

The impugned notice dated 21-6-2004 was issued to both the petitioner and second respondent and it refers to Contempt Case No.74 of 2004 in W.P.No.8349 of 2003. Since the impugned order was passed pursuant to the orders passed by this Court in C.C.No.74 of 2004, the petitioner can very well appear before the first respondent, put forth his case and material in support of his claim and seek appropriate orders or can avail such remedies open to him under law. However, this

Court cannot interfere with the matter so as to stall the impugned proceedings, which are stated to have been initiated pursuant to orders passed by this Court.

For the above reasons the writ petition fails and the same is dismissed. No costs.

N.V.RAMANA,J

30-6-2004

TVK/LSK

To

1 The Commissioner, Kukatpalli Municipality,
Kukatpally, Rangareddy District.

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